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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council

26/24 Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012 and 23/21 of 14 June 2013,

Emphasizing that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993,

Reiterating its deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including violation of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention and in life-threatening conditions, of persons for suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, being a journalist, exercising the right to freedom of religion, being perceived as critical of the Government, and of those who return to the country, as well as those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information,

Expressing grave concern at the widespread use of indefinite conscription into national service, a system that constitutes forced labour, and the reported forced conscription of children under the age of 18 into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Expressing grave concern also at reports that the Government of Eritrea is also forcing persons to participate in its citizen militia,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in the second cycle of the universal periodic review, while regretting the lack of implementation by Eritrea of the recommendations made at its first review,

Noting also the efforts of Eritrea to achieve the Millennium Development Goals and to promote gender equality and progress on reducing and eliminating female genital mutilation, while stressing that sustainable social changes are linked with the establishment of a conducive political and legal environment,

Recalling the obligations of Eritrea under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child,

Expressing continued concern at the failure of the Government of Eritrea to cooperate with the Special Rapporteur on the situation of human rights in Eritrea, including its refusal to allow the Special Rapporteur to visit the country,

1. *Welcomes* the second report of the Special Rapporteur on the situation of human rights in Eritrea[1] and its focus on indefinite national service constituting a form of forced labour, and arbitrary arrest and detention;

2. *Strongly condemns*:

(*a*) The continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(*b*) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

(*c*) The forced conscription of citizens for indefinite periods of national service, a system that amounts to forced labour, and the compulsory practice of all children undertaking the final year of schooling in a military training camp, as well as the intimidation and detention of those suspected of evading national service in Eritrea and their family members;

(*d*) The forced participation of citizens in the militia, and the detention of those suspected of not participating in it;

[1] A/HRC/26/45.

(*e*) The severe restrictions on freedom of movement, including, but not limited to, the arbitrary detention of people caught attempting to flee the country or suspected of an intention to do so;

(*f*) The violations of the rights of the child, including but not limited to the reported forced military conscription of children;

(*g*) The widespread use of torture and other cruel, inhuman or degrading treatment or punishment and the use of places of detention that fall far short of international standards, including underground cells and metal shipping containers;

(*h*) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(*i*) Any violation by the Government of Eritrea of its international human rights obligations in connection with the collection of taxes outside Eritrea from its nationals;

(*j*) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

3. *Reiterates* its call upon the Government of Eritrea, without delay:

(*a*) To end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(*b*) To account for and release all political prisoners, including members of the "G-15" and journalists;

(*c*) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and to release them or to ensure that they are given a free and fair trial, with full respect for due process;

(*d*) To ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and secret courts and the practice of incommunicado detention, and allowing regular access to prisoners for relatives, legal advocates, medical care and other competent and legally authorized authorities and institutions;

(*e*) To put an end to the system of indefinite national service by demobilizing the national service conscripts who have completed their mandatory 18 months of service, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation, and to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013;

(*i*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(*j*) To enhance the promotion and protection of women's rights, including by taking further measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*k*) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(*l*) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(*m*) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations by, inter alia, allowing unhindered access to a further mission by the Office as requested by the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*n*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of takeover on 21 January 2013 of the building housing the Ministry of Information, and the 19 Djiboutian combatants;

(*o*) To implement fully the Constitution of Eritrea adopted in 1997, and to govern in accordance with the principles of the rule of law;

4. *Urges* Eritrea to make available information pertaining to the Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to present a report to the Human Rights Council at its twenty-ninth session and to address and engage in an interactive dialogue with the General Assembly at its sixty-ninth session;

6. *Invites* the High Commissioner to report to the Human Rights Council on the progress in cooperation between Eritrea and the Office of the High Commissioner;

7. *Decides* to establish, for a period of one year, a commission of inquiry comprising three members, one of whom should be the Special Rapporteur, with the other two members appointed by the President of the Human Rights Council;

8. *Also decides* that the commission of inquiry will investigate all alleged violations of human rights in Eritrea, as outlined in the reports of the Special Rapporteur;

9. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur and the commission of inquiry, to permit them and their staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide them with the information necessary for the fulfilment of their mandates, and underlines the importance for all States to lend their support to the Special Rapporteur and the commission of inquiry for the discharge of their mandates;

10. *Urges* the international community to cooperate fully with the Special Rapporteur and the commission of inquiry;

11. *Also urges* the international community to strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing number of unaccompanied children;

12. *Requests* the Secretary-General to provide the Special Rapporteur and the commission of inquiry with all information and the resources necessary to fulfil their mandates;

13. *Requests* the commission of inquiry to present an oral update to the Human Rights Council at its twenty-eighth session and to the General Assembly at its seventieth session, and a written report to the Council at its twenty-ninth session;

14. *Decides* to transmit all reports of the commission of inquiry to all relevant bodies of the United Nations and to the Secretary-General for appropriate action;

15. *Also decides* to remain seized of the matter.

39th meeting
27 June 2014

[Adopted without a vote.]